

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF LUSTROUS DESIGN LTD.,

COMPLAINANT,

v.

CASE NO. 16-1247-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on February 8, 2017

I. SUMMARY

{¶ 1} The Commission dismisses this complaint, as the complainant did not participate in settlement conferences scheduled by the attorney examiner and failed to prosecute the matter.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} The Cleveland Electric Illuminating Company (CEI) is a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On June 8, 2016, Lustrous Design Ltd. (LDL), filed a complaint against the CEI, asserting inaccurate billing and fluctuations in power since 2012. LDL disputed CEI's claim that its 2013 bill exceeding \$1,200 was caused by a power surge, and contended that, after the March 2016 replacement of its meter, it was rebilled and placed on an installment plan that it never approved of. LDL asserted that its payments were applied to late charges and

installment payments, not actual charges, and that its complaints and inquiries to CEI were ignored.

{¶ 5} CEI filed its answer on June 28, 2016. CEI stated that it was contacted by LDL in March 2013 because of a "short," and that LDL's meter registered usage until July 2015. CEI admitted replacing the meter in January 2016, and that it notified LDL in March 2016 of the rebilling. CEI asserted that it contacted LDL on several occasions, but denied LDL's other allegations.

{¶ 6} By Entry issued August 1, 2016, an August 16, 2016 settlement conference was scheduled. Mr. Ren Ochiai, on behalf of LDL, filed a letter on August 10, 2016, indicating a physical inability to attend and requesting a teleconference. Accordingly, in an August 11, 2016 Entry, a teleconference was scheduled for August 16, 2016. Both parties participated in the teleconference but did not resolve the matter, and a second teleconference was scheduled for August 30, 2016.

{¶ 7} At the August 30, 2016 teleconference, while not agreeing to a settlement, Mr. Ochiai indicated that he would examine settlement documents upon receiving them from CEI. In addition, the parties agreed upon a third teleconference, scheduled for September 14, 2016, to discuss whether Mr. Ochiai would agree to the written settlement terms.

{¶ 8} On September 14, 2016, CEI called in for the teleconference; Mr. Ochiai did not do so, nor did he contact the attorney examiner at any time regarding his failure to call. However, CEI agreed to participate in a fourth teleconference to attempt to resolve the matter.

{¶ 9} By Entry issued September 29, 2016, an October 19, 2016 teleconference was scheduled. CEI called in for the teleconference, but Mr. Ochiai failed to do so. The docket does not indicate that the September 29, 2016 Entry was returned as undeliverable; further, Mr. Ochiai did not contact the attorney examiner afterwards regarding his absence.

{¶ 10} Given Mr. Ochial's failure to participate in settlement conferences scheduled by the attorney examiner, or contact the attorney examiner regarding his failure to call, this complaint should be dismissed for failure to prosecute the matter.

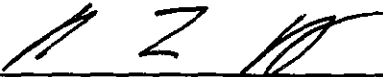
III. ORDER

{¶ 11} It is, therefore,


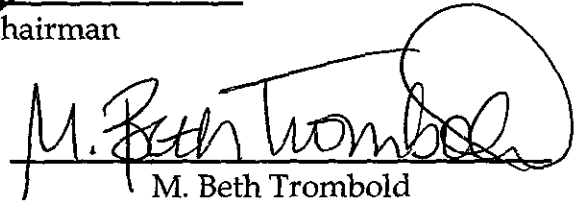
{¶ 12} ORDERED, That this case be dismissed for failure to prosecute the matter. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



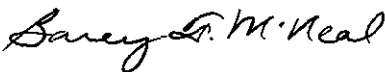
Asim Z. Haque, Chairman


Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

JML/sc

Entered in the Journal

FEB 08 2017



Barcy F. McNeal
Secretary